Supreme Court, U.S.
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No. 85-1520

In the Supreme Court of the United States

OCTOBER TERM, 1986

RUSSELL ANDERSON, PETITIONER

v.

ROBERT E. CREIGHTON, JR., ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

JOINT APPENDIX

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PETITION FOR A WRIT OF CERTIORARI FILED MARCH 14, 1986
CERTIORARI GRANTED JUNE 30, 1986

6 PP

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* The decision of the district court and the decision of the court of appeals are printed in the appendix to the petition for a writ of certiorari and have not been reproduced.

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 84-5150

ROBERT E. CREIGHTON, JR., ET AL., APPELLANTS

v.

THE CITY OF ST. PAUL, ET AL.,
RUSSELL ANDERSON, APPELLEE

1984	
Aug. 23	Case docketed.
1985	
Feb. 12	Case argued and submitted before Judges Lay, C.J. Heaney and Fagg.
July 12	Opinion by Judge Heaney issued; judgment issued.
Sept. 26	Appellee's petition for rehearing and suggestion for rehearing en banc filed.
Oct. 15	Petition for rehearing and petition for rehearing en banc denied.

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MINNESOTA

4-84 Civil 162

ROBERT E. CREIGHTON, JR., ET AL.,

v.

THE CITY OF ST. PAUL, ET AL.

Cases Filed 02/28/84

DATE	EVENT
2/84/84	Petition of Russell Anderson for removal filed.
4/11/84	Notice and motion of Russell Anderson to dismiss or, in the alternative, for summary judgment filed.
4/16/84	Affidavit of Russell Anderson filed.
5/30/84	Affidavits of Sarisee Creighton, Robert Creighton, Robert Creighton, Jr., Robert Creighton, Sr., and Iris Dixon filed.
6/4/84	Affidavits of William Johnson, E. Joseph Cludy, and Jon M. Hopeman filed.
6/5/84	Affidavit of Wayne Ruud filed.
6/6/84	Hearing on motion to dismiss or, in the alternative, for summary judgment.
7/17/84	Memorandum opinion and order filed granting Russell Anderson's motion for summary judgment.
8/16/84	Plaintiffs' notice of appeal filed.

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF RAMSEY
SECOND JUDICIAL DISTRICT

ROBERT E. CREIGHTON, JR. AND SARISSE CREIGHTON, HUSBAND AND WIFE, INDIVIDUALLY, AND ON BEHALF OF THEIR MINOR CHILDREN, SHAUNDA CREIGHTON AND TIFFANY CREIGHTON, PLAINTIFFS,

v.

THE CITY OF ST. PAUL, A MUNICIPAL CORPORATION; OFFICER JOHN DENOMA; OFFICER DANIELS, OFFICER ASHTON, OFFICER GELAO, OFFICER SNYDER, AND OFFICER STEFFAN, WHOSE TRUE FIRST NAMES ARE UNKNOWN TO PLAINTIFFS; RUSSELL ANDERSON, AND JOHN DOE, RICHARD ROE, AND MICHAEL MOE, WHOSE TRUE NAMES ARE UNKNOWN TO US, DEFENDANTS.

COMPLAINT

Plaintiffs, as and for their complaint herein, state and allege as follows:

JURISDICTION

I.

Jurisdiction of this Court is invoked pursuant to the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution and Title 42, United States Code, Sections 1983, 1985 and 1988 and Title 28, United States Code, Sections 1331, 1343(1), (3) and (4), and pursuant to the laws of the State of Minnesota.

II.

This is an action brought pursuant to the United States Constitution, the common law and Constitution of the State of Minnesota and pursuant to 42 USC §§ 1983, 1985 and 1988 alleging plaintiffs were deprived of their rights, privileges, and immunities secured by the Constitution and laws of the United States and were subjected to a conspiracy to deprive them of their rights, privileges and immunities by defendants herein acting under color of law.

III.

During all times herein mentioned, the defendants were acting under codes, statutes, ordinances, regulations, customs and usages, and under color of law of the State of Minnesota, County of Ramsey, City of St. Paul.

IV.

Plaintiff seeks monetary damages pursuant to 28 USC § 1331, §§ 1343(1), (3) and (4), and pursuant to the laws of the State of Minnesota.

VENUE

V.

Venue is based upon 28 USC § 1391(b) and the laws of the State of Minnesota.

PARTIES

VI.

Plaintiffs Robert E. Creighton, Jr. and Sarisse Creighton are husband and wife and are the parents and natural guardians of Plaintiff Shaunda Creighton and Plaintiff Tiffany Creighton and all are citizens of the United States of America and residents of Ramsey County, State of Minnesota.

VII.

The defendant City of St. Paul is a municipal corporation duly organized and existing under the laws of the State of Minnesota.

VIII.

Upon information and belief defendant John DeNoma is an officer with the police department of the City of St. Paul.

IX.

Upon information and belief, defendants Daniels, Ashton, Gelao, Snyder and Steffan are officers with the police department of the City of St. Paul, but whose true first names are unknown to plaintiffs herein.

X.

Upon information and belief defendant Russell Anderson is an agent of the Federal Bureau of Investigation and acted in concert with the other individual defendants herein; that Defendants John Doe, Richard Roe and Michael Moe are agents of the FBI whose true names and identities are unknown to Plaintiffs; that John Doe, Richard Roe and Michael Moe acted in concert with the other individual Defendants herein.

COUNT ONE

42 USC § 1983 Action

Plaintiffs, as and for their first claim, state and allege as follows:

XI.

At all times herein mentioned, the defendant City of St. Paul was the governmental entity in the name of which defendants DeNoma, Daniels, Ashton, Gelao, Snyder and Steffen performed all acts and omissions herein alleged.

XII.

At all times herein mentioned, the City of St. Paul provided defendants DeNoma, Daniels, Ashton, Gelao, Snyder and Steffen with official uniforms, identification, badges, and duties which described, delineated, and emboldened them as officers of the City of St. Paul Police Department.

XIII.

At all times herein mentioned, defendants DeNoma, Daniels, Ashton, Gelao, Snyder and Steffen were acting within their official capacity, within the scope of their employment pursuant to official policy of the City of St. Paul.

XIV.

At all times herein mentioned, defendant Russell Anderson, defendant John Doe, defendant Richard Roe, and defendant Michael Moe acted in concert with defendants DeNoma, Daniels, Ashton, Gelao, Snyder and Steffen and within the scope of their employment as federal law enforcement officers.

XV.

That on or about November 11, 1983 defendants above named, while armed with shotguns and other firearms, entered plaintiffs' home at 845 West Minnehaha Avenue in the City of St. Paul, County of Ramsey, State of Minnesota, without appropriate search and arrest warrants and without probable cause and under threats of force and violence; that plaintiff Robert E. Creighton, Jr. was assaulted and beaten and plaintiff Sarisse Creighton, Shaunda Creighton and Tiffany Creighton were subjected to fear, intimidation, and verbal and physical abuse and

were otherwise held prisoner in their house by defendants herein acting in concert without probable cause and under color of law.

XVI.

That defendants herein arrested plaintiff Robert E. Creighton, Jr. and otherwise restricted his liberty and acted in concert without probable cause and under color of law.

XVII.

That subsequent to his arrest, plaintiff Robert E. Creighton, Jr. was transported to, and was incarcerated in, the Ramsey County Jail; that plaintiff was ultimately released without being charged.

XVIII.

That the individual defendants, jointly and separately, acted within the scope of their official capacities and knowingly, willfully and wantonly acted with intent to deprive plaintiffs of their constitutional rights guaranteed under the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution and 42 USC § 1983, including but not limited to:

1. The rights of plaintiffs to be free from unlawful interference and to be secure in their persons and homes from unlawful and unreasonable searches and seizures;
2. The rights of plaintiffs to be free from unlawful arrest, detention and incarceration;
3. The rights of plaintiffs to be free from excessive force and physical brutality;
4. The rights of plaintiffs to privacy;

5. The rights of plaintiffs to be free from police harassment;
6. The rights of plaintiffs to equal protection of the laws; and
7. The rights of plaintiffs to due process of law.

XIX.

That as a direct and proximate result of the acts of the defendants herein as alleged, plaintiffs were caused to sustain injuries and damages to their person, psyche and body, some of which are permanent; that they have incurred and/or will in the future incur, medical and other expenses in an attempt to cure and relieve themselves of their injuries; that they sustained great pain, suffering and mental anguish, all to their damage in a reasonable amount in excess of Fifty Thousand and no/100 ($50,000.00) Dollars.

XX.

That as a direct and proximate result of the acts of the defendants herein the plaintiffs were caused to incur harassment and intimidation, and suffered and will in the future suffer, great anxiety, embarrassment and public humiliation; that plaintiff's reputation in the eyes of the public were impaired and plaintiffs lost time from their family and home; and plaintiffs suffered other dignitary losses; all to their damage in a reasonable amount in excess of Fifty Thousand and no/100 ($50,000.00) Dollars.

XXI.

That as a direct and proximate result of defendant's intentional acts and wanton and willful indifference to the constitutional rights of plaintiffs as alleged, the defendant, and each of them, should be made to respond in punitive damages in a reasonable amount in excess of Fifty Thousand and no/100 ($50,000.00) Dollars.

XXII.

If plaintiffs prevail in this action for deprivation of their constitutional rights, plaintiffs are entitled to be awarded their attorney's fees pursuant to Public Law 94-559, the Civil Rights Attorney's Fees Award Act of 1976, 42 USC § 1988.

COUNT TWO

Deprivation of Rights By Federal Officers

XXIII.

That the acts of Defendant Russell Anderson, Defendant John Doe, Defendant Richard Roe and Defendant Michael Moe hereinbefore alleged violated plaintiffs' rights and immunities as guaranteed and secured to them under the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution including, but not limited to:

1. The rights of the plaintiffs to be free from unlawful interference and to be secure in their persons and homes from unlawful and unreasonable searches and seizures;
2. The rights of plaintiffs to be free from unlawful arrest, detention and incarceration;
3. The rights of plaintiffs to be free from excessive force and physical brutality;
4. The rights of plaintiffs to privacy;
5. The rights of plaintiffs to be free from police harassment;
6. The rights of plaintiffs to equal protection of the laws; and
7. The right of plaintiffs to due process of law.

XXIV.

That a direct and proximate result of such deprivation of constitutional rights, plaintiffs sustained injuries and damages as more fully alleged in Count One.

XXV.

That as a direct and proximate result of such deprivation of constitutional rights, defendants should be made to respond in punitive damages as more fully alleged in Count One.

COUNT THREE

42 USC § 1985 Conspiracy

Plaintiffs, as and for their third claim herein, reallege and reaffirm each and every allegation, matter and thing in Count One and Count Two of their Complaint with the same force and effect as if set forth at length and in detail herein, and further state and allege as follows:

XXVI.

That the individual defendants did conceive, foster, enter into, advise, and conspire with one another to deprive plaintiffs of their constitutional rights as alleged in Count One in violation of 42 USC § 1985.

XXVII.

That as a direct and proximate result of such conspiracy plaintiffs sustained injuries and damages as more fully alleged in Count One.

XXVIII.

That a direct and proximate result of such conspiracy, defendants should be made to respond in punitive damages as more fully alleged in Count One.

COUNT FOUR

Intentional Infliction of Emotional Distress

Plaintiffs, as and for their fourth claim herein, reallege and reaffirm each and every allegation, matter and thing in Counts One, Two and Three of their Complaint with the same force and effect as if set forth at length and in detail herein, and further state and allege as follows:

XXIX.

The acts of defendants, and each of them, as alleged, constitutes extreme and outrageous conduct and was willfully, wantonly and recklessly indifferent to plaintiffs' rights resulting in severe physical and emotional distress. The acts of defendants constitutes intentional infliction of emotional distress under the common law of the State of Minnesota.

XXX.

That as a direct and proximate result of such intentional infliction of emotional distress, plaintiffs sustained injuries and damages as more fully alleged in Count One.

XXXI.

That as a direct and proximate result of such intentional infliction of emotional distress, defendant's should be made to respond in punitive damages as more fully alleged in Count One.

COUNT FIVE

Assault and Battery

Plaintiffs, as and for their fifth claim herein, reallege and reaffirm each and every allegation, matter and thing

in Counts One, Two, Three and Four of their Complaint with the same force and effect as if set forth at length and in detail herein, and further state and allege as follows:

XXXII.

That the defendant City of St. Paul, through its agent and employee, defendant DeNoma, in his individual capacity, did cause the intentional and malicious assault and battery of plaintiff Robert E. Creighton without his consent.

XXXIII.

That as a direct and proximate result of such intentional assault and battery, plaintiffs sustained injuries and damages as more fully alleged in Count One.

XXXIV.

That as a direct and proximate results of such assault and battery, defendant DeNoma should be made to respond in punitive damages as more fully alleged in Count One.

COUNT SIX

False Arrest and Imprisonment

Plaintiffs, as and for their sixth claim herein, reallege and reaffirm each and every allegation, matter and thing in Counts One, Two, Three, Four and Five of their Complaint with the same force and effect as if set forth at length and in detail herein, and further state and allege as follows:

XXXV.

That the defendant City of St. Paul, through its agents and employees DeNoma, Daniels, Ashton, Gelao, Snyder

and Steffen, in their individual capacity, and defendant Anderson, caused the wrongful and false arrest and imprisonment of plaintiff Robert E. Creighton, Jr., by unlawfully restraining him against his will and causing plaintiff to undergo the humiliating and embarrassing procedures upon arrest, including but not limited to, arrest, interrogation and incarceration in the Ramsey County Jail.

XXXVI.

That as a direct and proximate result of such wrongful and false arrest and imprisonment, plaintiffs sustained injuries and damages as more fully alleged in Count One.

XXVII.

That as a direct and proximate result of such unlawful false arrest and imprisonment, defendants should be made to respond in punitive damages as more fully alleged in Count One.

COUNT SEVEN

Negligence

Plaintiffs, as and for their seventh claim herein, reallege and reaffirm each and every allegation, matter and thing in Counts One, Two, Three, Four, Five and Six of their Complaint with the same force and effect as if set forth at length and in detail herein, and further state and allege as follows:

XXXVIII.

That the defendant City of St. Paul, through its employees and agents, defendants DeNoma, Daniels, Ashton, Gelao, Snyder and Steffan, in their individual

capacities, and defendant Anderson, did negligently disregard the rights and interests of the plaintiffs herein; that such negligence includes, but is not limited to:

1. Failure to properly investigate and ascertain the presence of persons in the premises located at 854 West Minnehaha, City of St. Paul, State of Minnesota, prior to entry;
2. Failure to properly acquire a warrant to search plaintiffs' premises;
3. Failure to properly instruct and supervise the defendants DeNoma, Daniels, Ashton, Gelao, Snyder and Steffan in proper police procedure regarding searches and seizures, with and without warrants; and,
4. The defendants were otherwise negligent and careless.

XXXIX.

That as a direct and proximate result of such negligence and carelessness, plaintiff sustained injuries and damages as more fully alleged in Count One.

WHEREFORE, plaintiffs pray for judgment against defendants, and each of them, as follows:

1. Compensatory damages in a reasonable amount in excess of Fifty Thousand and no/100 ($50,000.00, Dollars;
2. Punitive damages in a reasonable amount in excess of Fifty Thousand and no/100 ($50,000.00) Dollars;
3. Attorney's fees pursuant to 42 USC § 1988;
4. Interest, costs and disbursements herein; and
5. Such other and further relief as this Court deems just and equitable.

MESHBESHER, SINGER & SPENCE, LTD.

By /s/ FRED H. PRITZKER

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Civil No. 4-84-162

ROBERT E. CREIGHTON, JR. AND SARISSE CREIGHTON, HUSBAND AND WIFE, INDIVIDUALLY, AND ON BEHALF OF THEIR MINOR CHILDREN, SHAUNDA CREIGHTON AND TIFFANY CREIGHTON, PLAINTIFFS,

v.

THE CITY OF ST. PAUL, A MUNICIPAL CORPORATION; OFFICER JOHN DENOMA; OFFICER DANIELS, OFFICER ASHTON, OFFICER GELAO, OFFICER SNYDER, AND OFFICER STEFFAN, WHOSE TRUE FIRST NAMES ARE UNKNOWN TO PLAINTIFFS; RUSSELL ANDERSON, AND JOHN DOE, RICHARD ROE, AND MICHAEL MOE, WHOSE TRUE NAMES ARE UNKNOWN TO US, DEFENDANTS.

AFFIDAVIT OF DEFENDANT RUSSELL ANDERSON

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Russell C. Anderson, being first duly sworn under oath, deposes and says that:

1. I am one of the named defendants in this action.

2. At all times relevant to this action, I was acting within the scope and course of my employment as a Special Agent with the St. Paul resident agency of the Federal Bureau of Investigation (F.B.I.) assigned to criminal investigations.

3. November 11, 1983, was Veterans' Day, a legal holiday, and I was home with my family on that day.

4. At approximately 3:30 p.m. on November 11, 1983, I received a telephone call at home from the F.B.I. night clerk advising me that Minnesota Federal Savings and Loan at 1827 Grand Avenue in St. Paul, Minnesota had been robbed. I decided to go to the savings and loan to investigate, and I did so immediately, arriving there at approximately 4:30 p.m.

5. At the savings and loan I investigated the robbery with the help of two other F.B.I. agents and Sergeant John Gelao of the St. Paul police, and other officers of the St. Paul Police Department. I spent two hours at the bank, and learned the following facts: The robber was described by the teller who was robbed as a black male in his late twenties, six feet tall, 170 pounds, of average build and light complexion, who wore a short, neat Afro hairstyle, a short beard and moustache which curved down around his lips, and a waist length jacket of light color. The teller said that the robber approached her window, said to her, "This is a holdup," and showed her the butt of a handgun under his left armpit, and then said, "Fill the bag." The robber also said at least ten times, "Don't press the alarm, get the big bills." The teller gave the robber three or four $100 bills. The robber then said, "Give me the $20's." The teller gave him the $20's and then took the "bait money" out of her drawer and gave it to the robber. "Bait money" is marked money which can later be used as evidence against a suspect. The bait money consisted of two $20 bills, two $10 bills, two $5 bills, and five $1 bills. The robber then left. The bank's surveillance camera was not activated; no surveillance photographs were taken of the robber.

6. I also learned from St. Paul police officers who had interviewed witnesses from the neighborhood that the rob-

ber had escaped in a car described as a burgundy or maroon over silver car, possibly a Buick. Other witnesses said it was possibly a darker color.

7. By 6:30 p.m. on November 11, 1983 I began to suspect that the robber was Vadaain David Dixon (my suspicions were confirmed some days later when an accomplice, Jeffrey Lynn Barge, was arrested and gave a complete statement naming Dixon as the robber). My reasons for suspecting Dixon were as follows: The description the teller gave was identical to Dixon's height, weight, build, race, hair and complexion. Dixon had been arrested on May 19, 1983 in Juarez, Mexico, where he had gone to purchase illegal drugs. He was charged by a federal grand jury with seven bank robberies. In October of 1983 he plead guilty to four of those robberies: one that occurred on April 19, 1983 at Midwest Federal Savings and Loan in the Twin Cities, one at Marquette-Lake Bank in the Twin Cities, and at banks in Omaha, Nebraska and Portland, Oregon. In each of the robberies to which he plead guilty, he had had an accomplice. In the Omaha and Portland robberies, Cheryl Ann Donlin Dixon, Vadaain Dixon's wife, had admitted driving the getaway car. Cheryl Ann Dixon had been arrested May 19, 1983 in Dallas, Texas. Vadaain Dixon had admitted using a handgun in some of the robberies. Dixon had plead guilty in United States District Court in Minneapolis to these robberies before Judge MacLaughlin and was released on bond pending a presentence investigation. Cheryl Ann Dixon was released on bond after her arrest in May pending trial. Vadaain Dixon was ordered to the Volunteers of America residence as a condition of his release. He stayed there from October 13, 1983 to November 9, 1983, and was given day furlough privileges. As of 6:00 p.m. on November 9, 1983 Vadaain Dixon had not returned to the Volunteers of America residence. A warrant for his arrest for bond default was

issued. On November 11, 1983 when I investigated the savings and loan robbery at 1827 Grand Avenue in St. Paul, I knew that Vadaain Dixon was at large and a federal fugitive.

8. At approximately 6:30 p.m. I left the savings and loan and went to the St. Paul Police Department on Tenth Street in St. Paul to prepare a "photo spread" in order to confirm that the suspect was Vadaain Dixon. I arrived at the police department at approximately 7:00 p.m. and prepared the photographs with the help of St. Paul police officers. The two tellers who had seen the robber went to the St. Paul Police Department at approximately 7:30 p.m. on November 11 as requested. The two tellers were, independently of each other, shown the photo spread to see whether they could identify Dixon. The usual photo spread includes six photos. This one included twelve photos. All the photos were of black males with beards. Both tellers selected Vadaain David Dixon's picture as being that of the bank robber. Neither of them selected any other photos as being a possible photo of the robber. By this time it was approximately 8:00 p.m. I had not at any time between 3:30 p.m. and 8:00 p.m. left the field or interrupted the investigation. The other two F.B.I. agents who had assisted me in the investigation at the savings and loan had gone home and did not accompany myself or the tellers to the St. Paul Police Department.

9. Sergeant Gelao and myself then pooled our knowledge of Vadaain Dixon. We met briefly with the watch commander of the St. Paul Police Department, who called in Sergeant John De Noma and a team of uniformed St. Paul officers to assist in the immediate apprehension of Dixon. Gelao, De Noma, myself and the officers met in a parking lot one block away from the residence of Iris Dixon, Vadaain Dixon's mother, in St. Paul. We knew that Vadaain Dixon was armed and very dangerous. He was drug-dependent, a user of hard narcotics. He had a record

of robbery with guns dating back to 1974. A copy of his F.B.I. record prior to the string of 1983 bank robberies is attached to this affidavit marked as Exhibit A. In August of 1979, shortly after release from state prison, he had robbed Reiss' Liquor Store in St. Louis Park, Minnesota with Cheryl Ann Dixon and another accomplice armed with a handgun. The accomplice pistol-whipped store employees and customers and took a hostage at gunpoint. Vadaain Dixon attempted to escape from police at the scene and tried to run over a St. Louis Park police officer in an automobile at high speed. Shots had then been fired at Dixon, who did not stop and who then crashed into the truck of an innocent bystander and was arrested. Please see attached Exhibit B for police reports. All of these facts were known to me at 8:00 p.m. on November 11, 1983. Because of Vadaain Dixon's propensity for violence, I resolved for the sake of the public safety to arrest him as swiftly as possible.

10. Cheryl Ann Dixon had informed me during my investigation of the earlier bank, robberies that his brother Jamie Dixon had driven Vadaain Dixon and Cheryl Ann Dixon to Milwaukee, Wisconsin after one of the seven earlier bank robberies which occurred April 19, 1983. We also knew that Jamie would be at the home of his mother, Iris Dixon, living at 676 Dayton in St. Paul. We went to the house of Iris Dixon at 676 Dayton in St. Paul. Please see attached Exhibit C for scale map showing locations. I was accompanied by Gelao, De Noma, and the other officers. De Noma was in full uniform, as were most of the other officers. We arrived there at 8:15 or 8:30 p.m. We found Iris Dixon and Jamie Dixon there. We informed them that a bank had been robbed, that we had an arrest warrant for Vadaain Dixon, and that we wanted to know where he was. With their consent, we searched the premises at 676 Dayton. Jamie Dixon told us that Jamie had in the past used the residence of his grandmother, 908

Aurora in St. Paul, as an occasional residence and mailing address. At out request, Jamie provided us with the address of Vadaain's other siblings and a description of the automobiles owned by them.

11. Jamie Dixon advised us that Robert and Sarisse Creighton, residing at 845 West Minnehaha in St. Paul, owned a 1977 Oldsmobile Cutlass, red or burgundy in color. Robert and Sarisse Creighton are the plaintiffs in this case.

12. I knew from my investigations of previous bank robberies committed by Vadaain Dixon that Sarisse Creighton was Vadaain Dixon's sister. I also knew that Cheryl Ann Donlin Dixon, Vadaain Dixon's wife, had resided with Robert and Sarisse Creighton from May of 1983, after her arrest in Dallas for the Omaha bank robbery, to November 9, 1983, the day Vadaain Dixon jumped his bond. I also knew that Vadaain Dixon has stayed on a daily basis at the house of Robert and Sarisse Creighton with Cheryl Ann Donlin Dixon during his four-hour daily furloughs from the Volunteers of America residence from October 13 to approximately November 9, 1983. We had confirmed by computer, either shortly before talking to Jamie Dixon or shortly after talking to Jamie Dixon, that Robert Creighton owned a maroon or burgundy 1977 Oldsmobile Cutlass, similar to the car used in the bank robbery.

13. At approximately 8:30 p.m., Gelao, De Noma, myself and the other officers left 676 Dayton and went to the home of Minnie Dixon at 908 Aurora. Minnie Dixon stated to us that she had not seen Vadaain Dixon. With her consent we searched the residence and then left immediately for the residence at 845 West Minnehaha. We arrived there at approximately 8:40 p.m.

14. Officer Gelao, Officer De Noma, and I went to the front door of 845 West Minnehaha. De Noma was in police uniform and held a shotgun. The other officers sta-

tioned themselves around the outside of the house, including the back. De Noma knocked on the door. Robert Creighton answered the door. De Noma identified himself as Sergeant John De Noma of the St. Paul police department, informed Creighton that there had been a bank robbery, and told him we had a warrant for the arrest of Vadaain Dixon. Gelao, De Noma, and myself then walked into the Creighton residence. I identified myself as an F.B.I. agent. Gelao identified himself as a St. Paul police officer. Robert Creighton asked to see our warrant. He was informed that we did not have it in our physical possession and that we were not required to produce it. Officer De Noma and I explained to Creighton in great detail the events of the bank robbery, the fact that Vadaain Dixon was a suspect, and where we had earlier been in search of Vadaain. While we spoke to Robert Creighton, some of the other officers entered the house and quickly searched for Vadaain Dixon, confirming that he was not there. At no time did Robert Creighton indicate whether Vadaain Dixon was or was not there. At no time did Robert Creighton tell us to leave.

15. During our conversation with Robert Creighton, Sarisse Creighton began screaming, jumping over furniture, and running around the apartment. She ran upstairs and came back down with three children with her. She screamed at the children to run, so they ran out the back door. During this time the telephone was ringing. Sarisse Creighton picked up the phone and screamed into it, "Get off the m_____ f____ing phone!" and slammed down the receiver. The children were brought back into the house by the officers in back.

16. Gelao and I were talking to Robert Creighton about his car. He agreed to take us down to the car, which was downstairs in a tuck-under garage. Robert Creighton was becoming more and more agitated by Sarisse Creighton's hysterical conduct. Robert Creighton, De

Noma, Gelao and myself went down the stairs to the garage in that order. On the way down the stairs Robert Creighton began jabbing his hand at De Noma and his shotgun. I heard De Noma say three times, "Don't touch me; don't touch my weapon." Creighton then attempted to grab De Noma's shotgun. De Noma then struck Creighton a single blocking punch in the mouth. We then examined, but did not search, the Creighton car.

17. De Noma then took Robert Creighton upstairs to get a towel to stop a small amount of bleeding from his mouth. By this time, Sarisse Creighton was screaming so hysterically that the children began screaming hysterically. At this time, a man who later proved to be Robert Creighton's father arrived at the house. He refused to identify himself and began screaming abusively at myself and the other officers. We patiently explained all over again that there had been a bank robbery, that we had a warrant to arrest Vadaain Dixon, that we had already been to Iris and Minnie Dixon's, and that the robbery car was similar to Robert Creighton's.

18. Iris and Jamie Dixon then arrived. We then patiently explained again the reasons why we were at the residence. We were in the house for perhaps twenty minutes. Robert Creighton was placed under arrest by the St. Paul police on state charges of obstructing legal process and taken to the St. Paul police station. He was released the next day. I left the house after his arrest, as did all other officers with us.

19. Sarisse Creighton appeared at the St. Paul police station later the night of November 11, 1983, and threatened to blow the place up. She was not arrested.

Vadaaine Dixon is still a federal fugitive. He has been charged by a federal grand jury with the November 11, 1983 robbery of Minnesota Federal Savings and Loan.

/s/ RUSSELL C. ANDERSON
Russell C. Anderson

SUBSCRIBED and SWORN to before me this
16th day of April, 1984.

/s/ E. ANN HERNANDEZ
(Notary Public)

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

PAGE 1

05/23/83

Use of the following FBI record, NUMBER 4C7 438 N5 is REGULATED BY LAW. It is furnished FOR OFFICIAL USE ONLY and should ONLY BE USED FOR PURPOSE REQUESTED. When further explanation of arrest charge or disposition is needed, communicate directly with the agency that contributed the fingerprints. 02

Contributor Identifier (ORI) Name Case Number (OCA)	Subject Name State Number (SID)	Arrested or Received	C - Charge D - Disposition
ATIONAL CRIME INFORMATION CENTER FGPT.		CLASS:	AA PM 04 PI CC AA AA CI CI 15
THE SUBJECT'S IDENTIFICATION RECORD APPEARING HEREUNDER HAS BEEN RETRIEVED FROM THE IDENTIFICATION DIVISION FILES BASED ON THE FBI OR SID NUMBER SUBMITTED THROUGH THE INTERSTATE IDENTIFICATION INDEX.			
N02711CC OLICE DEPARTMENT INNEAPOLIS,MN 2556	DIXON, VADAAIN CAVID MAP7402460	07/07/74	C-ADDITIONAL CITATION WITHOUT CHARGE-ARREST CHARGE C-ROBB/BUS/GUN 1201 D-CHARGE DISMISSED-07/22/74 C-CHANGED TO AGG ROBBERY D-CONVICTED-11/25/74 PROBATION-7Y 0-7 ST CLOUD SENT STYD 7 YRS
4082015C INN CORR FACILITY TILLWATER,MN 7113	DIXON, VADAAIN CAVID MAP74C246C	12/C8/76	C-BURGLARY D-CONVICTED- CONFINEMENT-5Y CONDITIONAL RELEASE-02/28/79 PRE/REL
10272100)LICE DEPARTMENT .INT LOUIS PARK,MN 012995	DIXON, VADAAIN CAVID MA74002460	C8/28/79	C-AGGRAVATED ROBBERY A1201 D-HELD- C-KIDNAPPING 1007 D-HELD- D-031007 C3 C-AGGRAVATED ASSAULT 1304 D-CHARGE DISMISSED-11/15/79 C-AGG RCB CHNGE TO ROB D-CONVICTED-11/15/79 CONFINEMENT-10Y PRESON
0620900 LICE DEPARTMENT INT PAUL,MN 015540	DIXON, VADAAIN CAVID MA74002460	10/11/79	C-WARR AGG ROBBERY 1299 2 CTS D-CONVICTED-12/28/79 CONFINEMENT-3Y-5Y PG CONCURRENT

-6-

TINUED NEXT PAGE

215-03686

91A7476

Exhibit A

25

BEST AVAILABLE COPY

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

(26)

ST. LOUIS PARK POLICE DEPT.
MN0272100

cc: St. Paul Robbery Div. 9/10

Supervisor Approved S/A

Date/Time of Report 8/28/79 1230

ARREST/VIOLATION REP

Page 1 of 2

Reporting Officer R/O	Assisting Officer(s) A/O	Grid No.	Complaint No.
Investigator Good	Fitzgerald, Setter, Beltrand Ortner, Luse, Shook, Adelson, Korbel, Stimson	28	79012995

How Complaint Received: Found by Police ☐ Radio ☒ Citizen ☐ Station ☐ Letter ☐ Phone ☐

Felony ☒ Gross Misdemeanor ☐ Tab Charge ☐ Req. for Complaint ☐ Warrant Arrest ☐ Not Guilty Plea ☐ Ticket No.

Offense, Incident, Charge	Ordinance/Sec. No.	State Statute:	UOC
AGGRAVATED ASSAULT		609.225	
AGGRAVATED ROBBERY		609.245	
KIDNAPPING		609.25	

Date/Time Occurred	Location of Violation or Offense:
8/27/79 1820 hours.	6900 West Lake Street

Defendant/Suspect (Last Name) (First) (Middle)	DOB	Age	Sex	Race	License Number (D.L.)
Dixon, Vadaain David	1/20/54	25	M	N	D-250-839-135-05

Address	Phone	Height	Weight	Hair	Eyes	Avail. Ide
336 Fuller, St. Paul, MN 55103	Unknown	6'1"	180	Blk.	Brn.	None

Vehicle Make	License Number	Yr.	Color	Involved in Accident	Injuries Involved
1970 Chev.	EHK 066	79	Black/Blue	Yes ☒ No ☐	Yes ☐ No ☒

Registered Owner's Name	Address
Robert Thomas Henry	822 Newton Avenue North, Minneapolis

Drinking/Drugs Involved	Defendant	Victim	Tests Offered	Type of Test Given
Yes ☐ No ☒	☒	☐	Blood ☐ Breath ☐	Blood ☐ Breath ☐ None ☐

Implied Consent Invoked ☐	Additional Tests Advisory Given ☐	Operator	Results of Test

Describe Evidence/Property — Property Report No. —

Victim	DOB	Address	Phone
Reiss' Restaurant	---	6900 W. Lake Street	

Witnesses Names	Address	Age	Phone	Subpoena Required
See narrative (Continuation Report)				Yes ☐ No ☐
				☐ ☐

Records Checks Made	SLP	Henn Co. Warrants	D.L.	BCA	NCIC	MINCIS	Bail $
Attached	☒	☒	☒	☒	☒	☒	Fine ☐
Clear	☐	☐	☐	☐	☐	☐	RPR ☐

Miranda Warning Given:	Date	Time	Notations	Court Date
Yes ☒ No ☐	8/28/79	1000	By Sgt. Stimson	

Narrative

Defendant Dixon entered Reiss' Liquor Store with his hand underneath his shirt, pointing his forefinger at attendants and customers within, threatening that this was a stick-up and ordered everyone down on the floor. He was accompanied by Robert Henry, who was armed with a .38 caliber hand gun. Dixon and Henry emptied the two

Offense Cleared By: Arrest ☐ Exceptionally ☐ Case Unfounded ☐ Inactive (Not Cleared) ☐

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ST. LOUIS PARK POLICE DEPT. MN0272100	DATE/TIME OF REPORT 8/22/79 1230	CONTINUATION REPO
	REPORTING OFFICER R/O Good	PAGE NO. 3 / COMPLAINT 79012005

OFFENSE ☐ ARREST/VIOLATION ☑ JUVENILE ☐ MOTOR VEHICLE ☐

of corrections, Ken Sandquist, 645-8171.

(28)

ST. LOUIS PARK POLICE DEPT.
MN0272100

Date/Time of Report
8/28/79 0515
Reporting Officer R/O
R. G. Metro

SUPPLEMENTARY REPC

Victim/Complainant Reiss'

Complaint No. 79012995

Offense ARMED ROBBERY

28

Date 8/27/79 Time 1820 Location Lake Street & Hampshire

I was working Operation Identification, and I was travelling on Minnetonka Boulevard at Texas when I heard dispatcher J. Lee indicate that an armed robbery of the Reiss' Liquor Store was now in progress. She then asked what units were responding, and I heard several indicate they were on the way. I was close, so I responded also. When I arrived, I also heard dispatcher Lee indicate that a customer that was in the liquor store indicated it was an armed robbery in progress to the bartender upstairs, who in turn called the Police.

Upon arriving, I stopped at Walker and W. Lake Street. I observed Officer Luse out in the middle of Lake Street and had a blue chevrolet in front of him. He had a black male subject on the ground and a white female subject that was still seated in the blue chevrolet. Officer Beltrand and Officer Ortner were covering the north end of Reiss'. Within a few minutes Officer Shook, Officer Korbel, Investigator Good, Sergeant Fitzgerald and a few other officers had arrived. Several patrons came running out of Reiss' restaurant and indicated that there was another black male inside who had a gun and had a hostage. At this time people began running out of Reiss' in great numbers. Some were running across the street. Some were stopping and gawking. Some were talking loudly. At this time three or four people come running up from Reiss' Liquor Store, which is located in the lower part of the building. I observed one, a Tom Peterson, who is a Hennepin County Deputy Sheriff and he indicated to me, in fact, that it was an armed robbery and that he was in the liquor store when it came down and that there was a black male with a gun who had an employee hostage in the liquor store area.

There was so much confusion with everyone screaming. At this time I positioned myself at the base of the liquor store and had observed Officers Shook and Korbel come around my back and then go down into the liquor store. They were going to position themselves in that area to check it out and seal it off in case the robbery was in the upper portion of the building and they would have an attempt to surprise him and release the hostage.

I observed Sergeant Fitzgerald, who was in charge of the scene. I advised him that Shook and Korbel were going down into the liquor store. Within a few minutes, Chief Setter arrived and took command. I then heard a customer state that the black male went back down into the basement with the hostage and the upstairs was clear. There were no more robbers upstairs. Hearing this I immediately ran down into the liquor store to assist Officer Shook and Officer Korbel. I vocally announced that I was coming in and Shook indicated that they thought they had a suspect trapped in one of the

rooms in back, and he vocally guided me back to the area. Officer Korbel was shouting commands for the suspect to come out and let the hostage come out unharmed, at which time the door leading into a small bathroom that's located in the northeast corner of the basement area came flying open and a white male came running out with his hands on his head yelling, "don't shoot, don't shoot, I'm the hostage." I immediately grabbed him and threw him on the ground out of the line of fire and then covered for him while he crawled to safety. Then I came back to Officer Shook, at which time a tall black male came out of the bathroom with his hands on his head and was immediately taken into custody by Officers Korbel and Shook.

He was immediately frisked and handcuffed, and Shook indicated there was no weapon on him. Officer Korbel then very carefully checking for another suspect, entered the bathroom and indicated that the weapon was in the toilet bowl. I then took the hostage, who identified himself now as Dennis Currier, 7819 Edgebrook Drive, outside because he was crying and in a state near shock. He kept shouting that the robber told him that he was going to kill him and that the robber knew that he was going to die and that the hostage was going to die with him. Officers Shook and Korbel remained in the basement area to preserve the scene of evidence. I then took Dennis Currier outside and was advised by him that another employee, Gerald L. Drinnin, 2742 Louisiana Avenue South, was also injured and was also pistol whipped by one of the two armed robbery suspects. Once outside, I knew Gerald and confronted him with such and he indicated that he was, in fact, pistol whipped on top of his head, and upon checking he had a large swelling on top of his head and a black and blue mark all around this large lump. He complained of severe headaches. Also, Dennis Currier, on the left side of his cheek by his mouth had a small laceration of about a quarter of an inch long and quite deep. He also indicated that the suspect smacked him in the face with the pistol. Both parties were taken outside and were kept in an area near the back door, and when the suspect was brought out both Drinnin and Currier indicated that that was the black male suspect that had hit them both and had threatened to kill them both and that had taken Dennis Currier hostage.

I informed Chief Setter that I had two injured victims that required medical attention, and he ordered me to take them to Methodist Hospital for treatment. At Methodist Hospital I spoke to Dennis Currier, and he advised me that he was on duty in the liquor store as an employee of Reiss' and with several customers in the store, at which time two black males came into the liquor store and walked immediately to the back portion of the store and turned around and came directly up to the front register counter. One black male came behind the register, and the other black male stood in front of the register and displayed a long barrelled revolver. He indicated that this was a robbery and for everyone to lay down. One male stayed behind the register and the other male suspect walked in toward the office and liquor storage area and was out of sight. A few minutes later this male came back and he had Gerald Drinnin, another employee in tow by the neck and he pushed him out into the liquor store proper and told him to lay down. He then came and wanted to know who was tge manager and came directly to Dennis Currier and put the gun up to Currier's head and said, "I'm going to kill you unless I get all the money." Currier said, "Okay. Come with me." He went back into the office area. Went to the safe and opened it and showed the suspect where the money was. At which time the suspect reached in and grabbed a white cloth bag of rolled coin and cash and

removed it from the safe. He and Currier came back out into the storage area. The suspect disappeared and Currier then looked toward a liquor storage cabinet and started running toward it to seek safety. All of a sudden the black male suspect came back running in from the liquor store and grabbed him by his hair and pulled him up the back steps toward the back door exit. When they got to the back door, Currier could see a lot of people out in the back lot and the black suspect also saw a police officer and he said, "The cops are here." At which time, Currier then broke loose and started running through the kitchen. The black male ran after him, grabbed him by the hair and almost pulled his hair out, pulling him to the floor and then started dragging him back down the steps. Currier then got up and walked on his own all the time in tow with the gun at his head. As soon as they got to the liquor storage area of the basement again, the black male said to Currier, "How do I get out of here?" Currier remember that in the bathroom there was a small window. He told this to the suspect and the suspect dragged him into the bathroom. It was at this point Officers Korbel and Shook had probably entered into the liquor storage area and Korbel seeing the door on the bathroom closed. Currier then indicated that the black male looked out the window and made some comment relative to there's a lot of police out there or a lot of guns out there, something to that effect. At which time he pointed the gun at Currier and stated, "I'm going to die, but you're going to die with me." Currier then as well as the suspect heard Officer Korbel yelling commands to come out with their hands up and there were several weapons pointed at them and if they made any false moves they would be shot: Currier then decided to take his chances and when the black male suspect stood up on the commode to reach up to open this basement window, he bolted away and busted toward the door coming running out with his hands up stating, "don't shoot, I'm a hostage." At which time he was grabbed by me and pulled to safety. Currier related to me that he was in fear of his life at all times while with the black suspect and that he had no doubt that if he had made the wrong move at any one particular time he would be dead.

I was also present with him when he positively identified the male brought out of the basement as his abductor and the suspect that also committed the armed robbery. I then spoke to Gerald L. Drinnin who works upstairs in the kitchen of Reiss'. He indicated that while working upstairs, he was sent down to the basement for something. He came down to the basement and walked to the beer/keg cooler. He was grabbed by the neck from behind and as he looked around he saw this black male with the gun pointed at him and the gun was pointed right at his head and the black male demanded, "where's the money." Drinnin indicated that he had just started working there and he did not know where any money was and begged for his safety. The black male stated that, "I'm desperate and I'll kill you if you don't tell me where the money is at." Drinnin indicated that he didn't know anything about the place because he had just started working there a few days and to please let him go. At this time the black male struck him on the top of his head with the gun and he recalled the lights going out and him falling face down onto the floor. He then recalled being dragged towards the liquor store at which time he came to and got up on his feet and the black male dragged him into the liquor store and pushed him forward and told him to lay down and don't move. It was at this time that Drinnin observed the black male then go behind the register counter and take Dennis Currier into the same liquor storage area that he had just come out of. I was also present with Drinnin when he too positively identified the black male being brought up out of the basement in custody as the party who had threatened him and

demanded money and struck him on the head with the firearm. Both these people were treated at Methodist Hospital, and I was advised upon the completion to bring them both back to Police Headquarters, at which time I did and they were turned over to Sergeant Stimson. I gave him a brief resume of what they had told me, and he in turn took statements from the two parties.

lh

(32)

T. LOUIS PARK POLICE DEPT.
MN0272100

Date/Time of Report	
8/27/79	2200 hrs.
Reporting Officer R/O	
Ortner #166	

SUPPLEMENTARY REPOR

VictIm/Complainant Reiss's Bottle Shop Complaint No. 79012995

Offense ROBBERY

Date _____ Time _____ Location _____

32

At approximately 1820 on 08/27/79, radio dispatcher advised that there was an armed robbery in progress at the Reiss's Bottle Shop, Walker and West Lake Street.

I arrived at the scene approximately 15 to 20 seconds after 3944, Officer Luse. Officer Luse stopped his vehicle by the entrance to the Bottle Shop from the southeast corner of the building. Idrove my vehicle to the corner of West Lake Street and Brownlow Avenue and parked partly blocking Brownlow. As I exited my vehicle, Officer Luse yelled a suspect had just fled to the back parking lot. I started running up Brownlow from West Lake Street. When I was a short distance from my vehicle, the suspect's vehicle, an older blue car, came squeeling from the back parking lot onto Brownlow. As the vehicle was entering the street, a bystander pointed to the vehicle and yelled, "That's them" or "That's the ones." I drew my service revolver, aimed at the driver, a black male later identified as one VADAAIN DIXON, ordering him to stop. The driver slouched down and intentionally drove his vehicle directly at me in an attemot to strike me with the vehicle. I dove to my right side firing one round from my weapon at the driver through the open window, as the vehicle just missed striking me. I was on the ground when I heard the vehicle screeching and the sound of an impact. I turned over and observed the suspect vehicle had been involved in an accident with the truck. I moved closer to the suspect vehicle where I was able to keep the suspect Dixon covered.

At this time I observed the second person in the back seat of the suspect vehicle. The second person in the vehicle is a female later identified as SHERYL DONLIN. At approximately this time Officers Beltrand, Shook, and Sgt. Fitzgerald had arrived at the scene. It was determined that there was another black male armed with a gun still inside the liquor store. Officer Luse, Sgt. Fitzgerald, and other officers contained the suspect vehicle and the two suspects inside the vehicle.

After the first two suspects were covered by other officers, I went to assist covering the rear of the store. Patrons were hiding by the building and were ordered away. Two or three officers had entered the building and were starting to check the basement area. A short time later radio transmission stated that the suspect had lost his hostage and that the suspect was cornered in the basement.

I entered in the back door and started down the stairs as the third suspect, later identified as ROBERT HENRY, was subdued by Officers Shook, Korbel, and myself. As I tried to handcuff the suspect, he kept squirming around and had to be physically restrained. I was able to handcuff the suspect, and he was placed in my police vehicle. Sgt. Fitzgerald arrived by my vehicle, and the suspect was removed to be searched for the yet unfound weapon. After the suspect

was searched, he was placed in my vehicle; Sgt. Fitzgerald read him the Miranda Warning at 1833. The suspect, Henry, kept ordering me to take him to jail "right now".

The scene was secured, and Officer Luse with suspect Dixon and I, with Henry, were going to start to the station. Officer Luse was held at the scene for a short time, and I arrived at the station a short time before Officer Luse. In the security garage suspect Henry started to struggle and was forced to the ground until assistance could aid me in moving him to the jail cell. The suspect Henry was placed in the men's center cell still in handcuffs until more assistance could be located. A short time later Officer Luse arrive d with suspect Dixon. I witnessed Officer Luse read Dixon the Miranda Warning in the police garage at approximately 1910. Dixon was taken to the female holding cell where he was searched by Officer Luse, who found a large amount of cash bills stuffed down suspect Dixon's pants. This money was property-carded at a later time. Dixon was placed in the center cell and handcuffs removed.

Officer Luse and I then removed Henry from the cell and removed the handcuffs and searched Henry's person. Nothing was found on Henry. He was placed back in the cell.

ky

(34)

ST. LOUIS PARK POLICE DEPT.
MN0272100

Date/Time of Report
8/28/79 1830
Reporting Officer R/O
Good

SUPPLEMENTARY REPO

Victim/Complainant Reiss' Restaurant Complaint No. 79012995

Offense ARMED ROBBERY

Date 8/28/79 Time 1830 Location Headquarters

On 8/27/79, I responded to an armed robbery in progress and received instructions to cover the west door of the restaurant, which I did. After it was confirmed that officers had located a suspect inside in the basement who was believed to be the only left in the establishment, I entered and assisted in the arrest of suspect who was later identified as Robert Thomas Henry.

I assisted in the collection of a sum of $350.00 in bills found on the west side of the building and with the collection of physical evidence by Hennepin County Crime Lab deputies C. Gorczyca and D. Strom. On 8/27/79, at 2100 defendant Cheryl Donlin was read her rights per Miranda, and she did not wish to make a statement at this time.

I sealed vehicle EHK 066 which had been towed to the Police Garage by D. Beltrand.

On 8/28/79, at 1415 hours, I presented a search warrant to the Honorable Judge E. Minenko, who signed same. I searched and inventoried vehicle subsequent to the warrant at 1600, 8/28/79 and evidence was property tagged, #6191. Officer Beltrand assisted.

lh

35

ST. LOUIS PARK POLICE DEPT.
MN0272100

Date/Time of Report
8/27/79 2315
Reporting Officer R/O
Luse

SUPPLEMENTARY REPORT

Victim/Complainant Reiss's Bottle Shop Complaint No. 79012995

Offense ARMED ROBBERY

Date 8/27/79 Time 1820 Location 6900 W. Lake Street

Responded to this call of an armed robbery in progress at Reiss's Bottle Shop from Highway 7 and Wooddale. Approximate response time was about 30 seconds. I parked my squad upon arriving just east of the stairway down to the Bottle Shop with the passenger side of the car facing the building. I immediately exited the squad, crouched behind the front end of it allowing myself to view the top of the stairway leading downstairs to the Bottle Shop. Almost simultaneously, suspect No. 1 (Vadaain David Dixon, 1/20/54) ran out of the stairway and down the path between Reiss's Bottle Shop and Super Radiator. I observed no weapon on Suspect No. 1 and had no suspect description at this point. While suspect No. 1 did ignore my command to stop, at approximately the same time Officer Ortner arrived, and I hollered out to him that the suspect had gone around behind the building. Officer Ortner proceeded to the intersection of Brownlow and Lake Street from my location. As I left the cover of my to pursue suspect No. 1, I glanced down the stairwell to the Bottle Shop. I observed suspect No. 2 (Robert Thomas Henry, 2/21/54) coming up the stairs with a revolver in his right hand. I immediately aimed my service revolver at suspect No. 2 and ordered him to drop his weapon. Suspect No. 2 responded instead by aiming his revolver towards me and stared directly at me for approximately 1½ seconds. Suspect No. 2 then turned abruptly and ran back down the stairs to the Bottle Shop. Because I could observe at least three persons lying spread-eagled on the floor of the Bottle Shop, I chose not to fire at Suspect No. 2 at this time.

When Suspect No. 2 re-entered the Bottle Shop, I saw him grabbing for one of these people on the floor pointing his revolver to this individual's head. Because indications were at this point that there was a hostage situation, I retreated to the southeast corner of the building.

From the southeast corner of the building, I glanced into the window of the Bottle Shop which faces Lake Street, and I observed No. 2 and the hostage moving towards the back of the Bottle Shop. Being unfamiliar with the interior layout, I felt at this time that it was possible that there was a lower level exit in the rear of the building. With this in mind, I began moving up Lake Street towards Officer Ortner's location. Several seconds passed, and I then heard tires squealing and yelling coming from the vicinity of the rear parking lot of Reiss's Restaurant on Brownlow. I immediately ran up the sidewalk towards Brownlow and while running, heard a shot fired from the same vicinity. At this point I had no idea who had fired this shot or what Officer Ortner's exact location was.

As I approached the intersection of Lake Street and Brownlow, a blue Chevrolet appeared eastbound on Brownlow approaching Lake Street. The vehicle's tires were squealing, and the rear end of the vehicle was fishtailing back and forth.

35

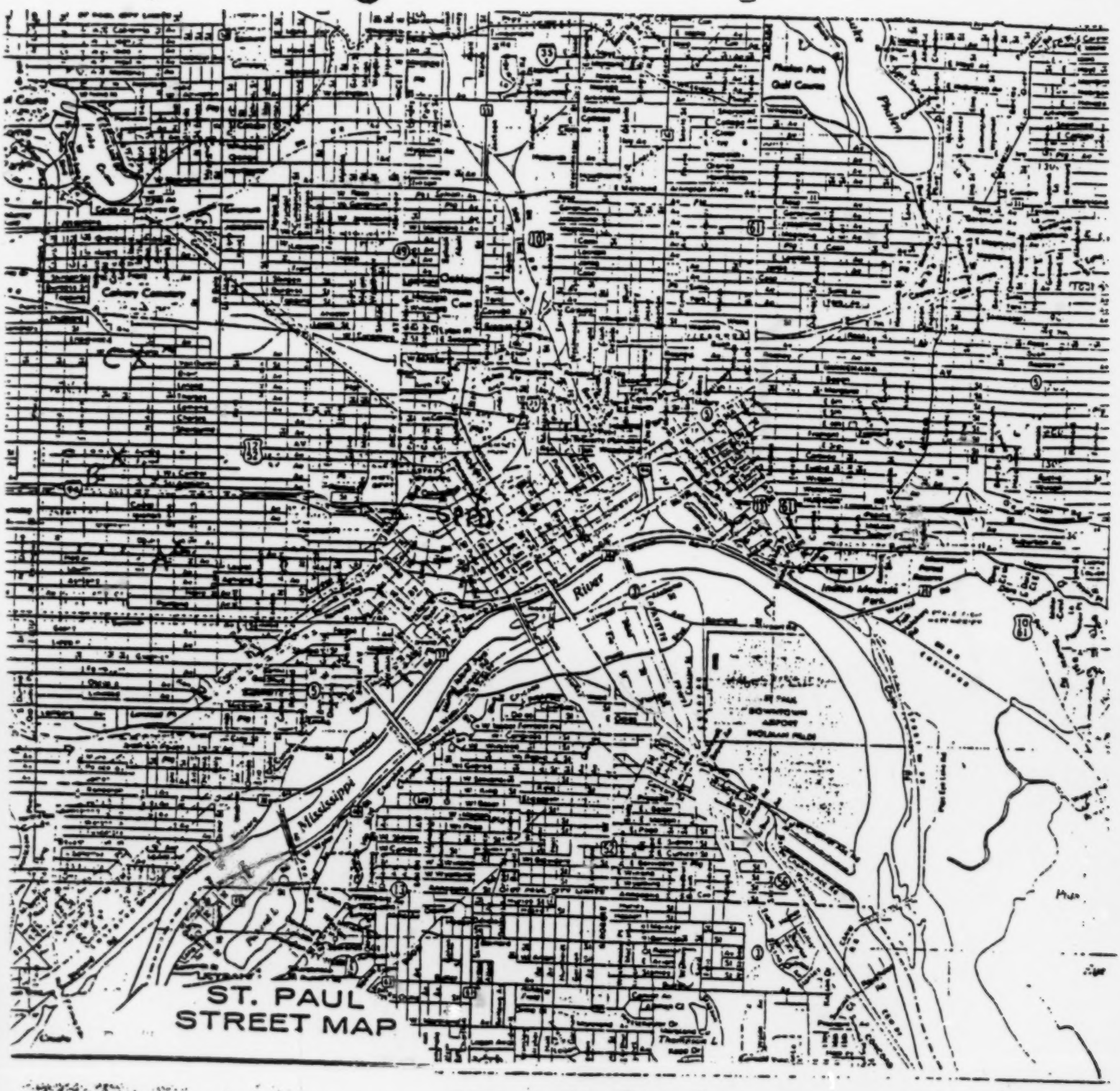
I immediately recognized the driver of this vehicle as Suspect No. 1. I also observed a second party in the passenger side rear seat of the vehicle slouching down. Because our information indicated at this time that there were only two suspects involved, I believed this individual to be Suspect No. 2. As the vehicle passed, I fired two shots at the vehicle, and the vehicle went to the intersection of Brownlow and Lake Street and collided with a pickup truck which had been southbound on Lake Street. Suspect No. 1 immediately extended his arms out the window with both hands open. The individual in the rear seat laid both arms across the front seat with palms open.

At this point I detected several other squad cars arriving on the scene.

At this time I was able to observe the passenger in the rear seat clearly and realized this was not Suspect No. 2, who was a Negro male; however, this passenger was a white female. I immediately alerted the other squads of the probability that Suspect No. 2 was still inside of the building with the hostage. I then apprehended and handcuffed Suspect No. 1 with assistance from Sgt. Fitzgerald. The white female, Suspect No. 3 (Sheryl Ann Donlin, 1/7/58) was also apprehended at this time.

When Suspect No. 2 was finally apprehended inside the restaurant, I placed No. 1 in the back of my squad car and transported him to our station. Upon arrival at our station I read No. 1 the Miranda Warning (1910 hours) which he acknowledged, stating he understood. Inside the station I removed No. 1's clothing and found $514.00 in currency tucked inside the front of his pants. The money was removed and property-carded No. 6186, and Suspect No. 1's handcuffs were removed and he was placed in a cell. No questions were asked of No. 1.

JL:ky



SPPD - St. Paul Police Department

A - 676 Dayton

B - 908 Aurora

C - 845 West Minnehaha

Exhibit C

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Civil No. 4-84-162

ROBERT E. CREIGHTON, JR. AND SARISSE CREIGHTON, HUSBAND AND WIFE, INDIVIDUALLY, AND ON BEHALF OF THEIR MINOR CHILDREN, SHAUNDA CREIGHTON AND TIFFANY CREIGHTON, PLAINTIFFS,

v.

THE CITY OF ST. PAUL, A MUNICIPAL CORPORATION; OFFICER JOHN DENOMA; OFFICER DANIELS, OFFICER ASHTON, OFFICER GELAO, OFFICER SNYDER, AND OFFICER STEFFAN, WHOSE TRUE FIRST NAMES ARE UNKNOWN TO PLAINTIFFS, RUSSELL ANDERSON, AND JOHN DOE, RICHARD ROE, AND MICHAEL MOE, WHOSE TRUE NAMES ARE UNKNOWN TO US,
DEFENDANTS.

AFFIDAVIT OF WILLIAM JOHNSON

William Johnson, being first duly sworn under oath deposes and says:

1. That I am a Probation Officer with the Minneapolis Office of the United States Probation Department.

2. That I performed the presentence investigation on Vadaain Dixon in November of 1983. I am familiar with Sarisse Creighton, one of the plaintiffs in this matter, having known her in past years. In the course of the presentence investigations Sarisse Creighton submitted statements supportive of her brother, Vadaain Dixon.

3. I have read the affidavit of Sarisse Creighton dated May 30, 1984, and the affidavit of Iris Dixon dated May 30, 1984.

4. On November 9, 1983, I was informed by the Volunteers of America Halfway House that Vadaain Dixon had not returned from his furlough that day. I met with Wayne Rud and Mark Clem, Deputy U.S. Marshals that evening beginning at approximately 11:30 p.m. We went through all the information that I had concerning Vadaain Dixon including the addresses of all of his relatives. On a very early Thursday morning, November 10, 1983, I transmitted this information to the St. Paul Office of the Federal Bureau of Investigation.

5. On or about November 1, 1983, in the course of completing a presentence investigation on Vadaain Dixon I met with his wife Cheryl Dixon. Cheryl Dixon informed me at that time that she was residing at the home of Robert and Sarisse Creighton at 845 West Minnehaha Avenue in St. Paul. She informed me that the reason she was residing there was that it was convenient to Brooks Beauty School on University Avenue in St. Paul, where she was a student.

On or about November 1, 1983, in the course of doing the presentence investigation on Vadaain Dixon I met with Vadaain Dixon himself, who informed me that Cheryl Dixon was living with Sarisse and Robert Creighton at their house at 845 West Minnehaha Avenue. In the course of my doing the presentence investigation, Vadaain Dixon informed me by telephone that Cheryl Dixon was picking Vadaain Dixon up on a daily basis at the Volunteers of America residence by automobile so that Vadaain Dixon and Cheryl Dixon could spend his daily furloughs together.

6. Cheryl Dixon also informed me in the course of this meeting that she was using Sarisse Creighton's automobile and Iris Dixon's automobile as her principal means of transportation on a daily basis. She informed me that she used these automobiles to transport Vadaain Dixon to and from the VOA Halfway House. On Thursday, November 10, 1983, I informed Russell Anderson of the FBI of all of the above facts.

7. On Thursday afternoon, November 10, 1983, I met with Joe Cludy and Wayne Ruud, Deputy U.S. Marshals. The purpose of the meeting was to determine how we could find Vadaain Dixon. We decided to arrange a meeting with Iris Dixon, Vadaain Dixon's mother, at her home. I was included because I had previously known the family. That afternoon I telephoned Iris Dixon and arranged to meet her at her apartment at 5:30 p.m. A few minutes after I spoke to Iris Dixon, Sarisse Creighton called me and asked if I minded her attending the meeting. I said I did not mind. At approximately 5:30 p.m. I went to the home of Iris Dixon in St. Paul with Joe Cludy and Wayne Ruud. Sarisse Creighton was there. Russell Anderson was not informed of the fact of this meeting.

8. Iris Dixon, Vadaain Dixon's mother, is Caucasian and was originally a British citizen before she married an American citizen.

9. Our meeting with Iris Dixon and Sarisse Creighton began with Mrs. Dixon expressing her dismay at the fact that Vadaain Dixon had left the halfway house and had violated his bond. She was upset because the St. Paul paper had indicated that he was "armed and dangerous." At the sound of these words Sarisse Creighton became very agitated and began abusing the two Deputy Marshals. She said "you fuckin' honkies you're always looking for reasons to kill a nigger boy" and "get the fuck out of this house." She was very abusive. I grapped her by the hands to calm her down and she did, in fact, calm down.

10. Wayne Ruud informed Iris Dixon and Sarisse Creighton that the Marshal's Office had run computer checks to determine the makes, years and license numbers of all vehicles owned by relatives of Cheryl Dixon and Vadaain Dixon. The Marshals had then determined that all automobiles were accounted for in the Minneapolis/St. Paul area. The purpose of this check was to determine the possible description of any automobile that the Dixons

might have used to leave town. The meeting ended at approximately 7:00 p.m. I gave Iris Dixon and Sarisse Creighton my home telephone number so that they could reach me if they had word of Vadaain Dixon.

11. Sarisse Creighton is quick to anger and her demeanor verges on hysteria when she is angry. There was no reason for her to be angry with either Joe Cludy or Wayne Ruud on November 10.

12. I do remember having a conversation with Iris Dixon concerning her meeting with Russell Anderson in May 1983. All she told me was that she did not like Russell Anderson because she felt that Russell Anderson did not feel that she was telling the truth when she said she did not known where Vadaain Dixon was.

13. The only other converations I remember between myself and the Deputy Marshals and Iris Dixon and Sarisse Creighton on the evening of November 10 was that Sarisse Creighton asked why the marshals were involved in looking for Vadaain and not the FBI. The marshals explained that it was their duty to do so but that the FBI would also be involved in the search. No one informed her that the FBI would not be coming over to her house.

14. Based upon the information which I conveyed to Russell Anderson on November 10, it would have been most reasonable for him on November 11, 1983, following the bank robbery in St. Paul, to search for Vadaain Dixon at the homes of Iris Dixon and Sarisse Creighton. Their homes were close to the location of the bank robbery and Cheryl Dixon had been living with Sarisse Creighton ac-

cording to the information given to me by Vadaain Dixon and Cheryl Dixon. Cheryl Dixon had been using their automobiles on a daily basis.

/s/ WILLIAM J. JOHNSON
William Johnson,
Probation Officer
U.S. Probation Department

SUBSCRIBED and SWORN to before me
this 4th day of June, 1984.

/s/ E. ANN HERNANDEZ
(Notary Public)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Civil No. 4-84-162

ROBERT E. CREIGHTON, JR. AND SARISSE CREIGHTON, HUSBAND AND WIFE, INDIVIDUALLY, AND ON BEHALF OF THEIR MINOR CHILDREN, SHAUNDA CREIGHTON AND TIFFANY CREIGHTON, PLAINTIFFS,

v.

THE CITY OF ST. PAUL, A MUNICIPAL CORPORATION; OFFICER JOHN DENOMA; OFFICER DANIELS, OFFICER ASHTON, OFFICER GELAO, OFFICER SNYDER, AND OFFICER STEFFAN, WHOSE TRUE FIRST NAMES ARE UNKNOWN TO PLAINTIFFS, RUSSELL ANDERSON, AND JOHN DOE, RICHARD ROE, AND MICHAEL MOE, WHOSE TRUE NAMES ARE UNKNOWN TO US, DEFENDANTS.

AFFIDAVIT OF ROBERT CREIGHTON, JR.

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Robert Creighton, Jr., being first duly sworn under oath, deposes and states:

That on Friday, November 11, 1983 I arrived home between 7:30 and 8:00 p.m. My wife, Sarisse, went upstairs and went to bed. My three daughters, whose ages are 10, 9 and 5 years, were at home with me that night. I was watching the television movie "J.F.K." when a searchlight flashed through the windows of my home. I walked to the door and looked outside and saw police officers coming

up so I stood at the door and watched. The officers did not knock at my door as stated by Russell Anderson. One told me to keep my hands up and then they simply entered the house without my permission and without showing any identification or any search warrant. I asked the officers for a search warrant and they said they didn't need one. I asked the officers to leave my house. They refused to do so. Some of the officers started searching my closets. I told them to stop. They didn't listen. I also asked the officers to put the guns away because there are small children in the house. They refused to do so. They never explained to me why they were there. I did learn much later when I was being taken to the police station in the squad car why they were there. However, before this point in time no one ever explained to me anything.

That I asked Sgt. DeNoma for a search warrant. He replied, "We don't have a search warrant. I don't need a search warrant; you watch too much TV." When the police officers came in the children began to scream hysterically. Apparently the children's screaming awoke Sarisse. She came running downstairs. One man kept asking me if I had a red and silver car. I told him I would show him my car. I went downstairs with the man in plainclothes following me. Sgt. DeNoma and another man were already downstairs searching when I came down. They were looking in my closets and room. Sgt. DeNoma stood between me and the door to the garage. I did not attempt to grab his shotgun from him. I did not assault him in any way. I was attempting to get to my garage door which he was standing by. I told him I wanted to show the man my car. Officer DeNoma then struck me. I fell back and hit my head on the wall.

That the officers apparently never entered the garage to view my car. The chain on the door between the garage and the basement was never removed. This would have been necessary for the police to enter the garage. That on

November 11, 1983 I knew very little about the activities of Cheryl and Vadaain Dixon. Specifically I knew very little of the details about their past criminal acts.

That Vadaain Dixon, to the best of my knowledge, had not been in our home since the previous winter. During the period between October 13 to November 9, 1983 when Vadaain was in the Volunteers of America home he was never in our house.

That Cheryl Dolan Dixon did reside with my family for a short period of time while Vadaain Dixon was in prison. I believe this was in the early part of the summer of 1983. After Cheryl ended this stay she did not have any means of entrance to my home. Cheryl Dolan Dixon did not reside in my home between October 13, 1983 and November 9, 1983.

That I have spoken to my neighbor, Robert Figgs. He had been questioned by the police on November 11, 1983. He said they asked him if he had seen a car with a yellow license plate. Mr. Figgs has also informed me that he is reluctant to become involved or give a statement.

That I was arrested for obstructing legal process on the night of November 11, 1983 and taken to jail. I was released next day and no charges have even been brought against me.

FURTHER YOUR AFFIANT SAITH NOT.

/s/ ROBERT CREIGHTON JR.
Robert Creighton, Jr

SUBSCRIBED and SWORN to before
me this 30th day of May, 1984.

/s/ DENISE M. BOELTER
(Notary Public)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Civil No. 4-84-162

ROBERT E. CREIGHTON, JR. AND SARISSE CREIGHTON, HUSBAND AND WIFE, INDIVIDUALLY, AND ON BEHALF OF THEIR MINOR CHILDREN, SHAUNDA CREIGHTON AND TIFFANY CREIGHTON, PLAINTIFFS,

v.

THE CITY OF ST. PAUL, A MUNICIPAL CORPORATION; OFFICER JOHN DENOMA; OFFICER DANIELS, OFFICER ASHTON, OFFICER GELAO, OFFICER SNYDER, AND OFFICER STEFFAN, WHOSE TRUE FIRST NAMES ARE UNKNOWN TO PLAINTIFFS; RUSSELL ANDERSON; AND JOHN DOE, RICHARD ROE, AND MICHAEL MOE, WHOSE TRUE NAMES ARE UNKNOWN TO US.
DEFENDANTS.

AFFIDAVIT OF SARISSE CREIGHTON

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Sarisse Creighton, being first duly sworn under oath, deposes and states:

That I am a plaintiff in the above-entitle action.

That Vadaain Dixon is my brother.

That Vadaain Dixon has not been in my home since February of 1983.

That I had only seen my brother a few times between March, 1983 and November, 1983. That I saw him in March at a hotel in Minneapolis after he and Cheryl

Donlin Dixon were married. I saw him once in jail in May or June of 1983 when I visited him. I saw him one time on a Saturday when I rode with Cheryl from my mother's house to the halfway house that he was staying at in November. To my best recollection those are the times I had seen my brother between March, 1983 and November, 1983.

That Vadaain Dixon never visited our home when he was on furloughs from the halfway house I now know as Volunteers of America between October 13, 1968 and November 9, 1983.

That Cheryl Ann Donlin Dixon did not reside in our home from May, 1983 to November 9, 1983. She stayed for approximately two weeks in the summer of 1983. At that time, Vadaain Dixon was in prison waiting trial. She did not reside in our home at all between October 13 and November 9, 1983.

That on the evening of Friday, November 11, 1983 my husband and I returned home at approximately 7:30 p.m. to 8:00 p.m. Shortly after I went upstairs to my bedroom to go to sleep. A short time after I had fallen asleep I heard hysterical screams from my 10-year-old daughter. I also heard my husband hollering. I was undressed so I put on a robe and ran downstairs.

That I met a uniformed police officer on the stairway. He was pointing a shotgun at me. I said what the hell's going on. No one answered me. I heard my husband asking for a search warrant; no one answered him. My home was swarming with uniformed police officers and also other men in plainclothes. Many of them were carrying weapons.

That I had no clothing on under my bathrobe so I ran to the closet and grabbed my boots and a coat. I ran upstairs to get dressed. I could hear my husband trying to call his father. I heard a police officer telling him to get off the phone. I picked up the receiver in my bedroom and told my husband to hang up so they wouldn't beat him up and

that I would talk to his father. I told his father that the police were searching our home and we didn't know what for and to come over right away.

That I ran back downstairs at that point and the officers were screaming at my children telling them to "sit their damn asses down and to stop screaming". An officer then turned to me and said, "Why don't you make your damn kids sit on the couch and make them shut up?" At this time the officers were arguing with my husband and hollering at him. They were telling him they did not need a search warrant. I heard my husband ask them to put their shotguns away since there were small children in the home. They refused to do so. He also asked them to leave if they did not have a warrant. They refused to do so. Two officers went upstairs and I followed them. They stood in the doorway of each of our three bedrooms but never entered any one of them. They never looked in any closets, under any beds or behind any doors or in the bathroom. They did not search the third floor at all. At this point we did still not know what they were searching for.

That I then went back downstairs to the main floor with these officers where my husband, children and the other men were. My husband turned to one of the officers and said "I'll show you my car; it's in the garage."

That at that point my husband went downstairs. At least two uniformed officers preceded him and one man followed. My 10-year-old daughter followed behind them. I then heard them beating my husband. I thought they were killing him. My children started screaming hysterically and crying. My 10-year-old daughter screamed to another officer who was on the stairs or near the stairs "Please help me; they're beating my Dad!" Shaunda told me at that point an officer hit her in the arm. All throughout this period of time Russell Anderson and a uniformed police officer and I were in the front room. At no time did Russell Anderson go into the basement during the period.

I then attempted to call my mother; however, the officer kept kicking and grabbing the phone telling me "to hang up that damn phone".

That with all these occurrences I was in fear for my family's life. My children were all screaming and crying hysterically, my husband was being beat, my 10-year-old daughter appeared to be in shock. I told my children to run out the front door and go down to my friend's house four doors down for safety and not stop for anyone. As they ran out, a man in plainclothes ran after them. My neighbor, Roxanne Johnson, told me that he ran into her house and grabbed my 10-year-old daughter by the shoulders and shook her. My neighbor told him, "Can't you see she's in shock; leave her alone and get out of my house." After the agents and officers left my home my mother went to my neighbor's home and took my 10-year-old to the emergency room at Children's Hospital for an arm injury caused by the officers' rough handling of my daughter.

That as my children left the house, I ran to the back window. My house was completely surrounded by police officers and plainclothed agents. All my neighbors were in the street watching. I was extremely embarrassed and felt like a criminal. I opened my window and yelled to my neighbors to come in and help me. They responded that they couldn't because the officers wouldn't let them in and had locked the door. I told them to come to the front and I would let them in. I went out to the front door to let them in. I went to the front door to let them in. I went out to my neighbor and an officer slammed the door shut on me. I threw the door back open and told the police officer he could not lock me out of my own home. He said to me "Then get your ass in here and sit down." The uniformed police officers then were bringing my husband up the stairs. He was bleeding from his head and his mouth. He was handcuffed. I asked Sgt. DeNoma what he was being

arrested for. DeNoma said, "He hit me so I hit him." At that point I heard Russell Anderson say to my husband "I know you and Dixon robbed that bank." Anderson further said "We have proof that Dixon was here." I told him he was crazy and to prove it. Someone else said "You let Dixon use your car to rob that bank."

That at this point in time my mother entered our home. She identified one of the plainclothed agents as Russell Anderson. This is how my husband and I know the name of Russell Anderson. He never identified himself by name or as an FBI agent.

That next somebody said get him out of here now. They were referring to my husband, Robert Creighton. They took my husband down to the squad car. I then asked Russell Anderson again for a search warrant. Anderson turned to me with a very mean look and said "I don't need a damn search warrant when I'm looking for a fugitive." My father-in-law and I went down to the squad car where they held my husband. I told my father-in-law to follow them down to the station because they will beat him again while he is handcuffed and say he resisted arrest. I then asked the officer in the squad car for his badge number. He got out of the squad car, grinned at me and raised his billy club above my head as if he were going to hit me. I said "Oh, you're going to beat me because I asked for your badge number." He then lowered the club.

That at no point in time did any of the officers inform us why they were at our home. Only after Russell Anderson had told my husband that I know you and Dixon robbed the bank was I able to get some idea why the officers were in our home.

That on Thursday, November 10, 1983, at the home of my mother, Iris Dixon, at that time a United States Marshall and a federal probation officer, William Johnson, visited my mother's home. They asked questions about Vadaain Dixon and Cheryl Dixon. These federal officers

informed my mother and I that Vadaain had not returned to the halfway house on Wednesday, November 9, 1983. We informed them that we did not know of Vadaain's whereabouts. I asked them if the FBI would come around. They informed me that they would not. They also told us that all our cars had been checked out through a computer. They were okay. I assumed that this meant that Vadaain Dixon did not have them. Further, I believe that one of the marshalls returned to my home on Friday, November 11 for the following reason: When I came down the stairs somebody said there she is and apparently identified me. I thought I recognized this person as the marshall who had been at my mother's home the night before.

That a federal probation officer, William Johnson, has told me that the police did not have a positive identification of Vadaain Dixon when they searched my house on November 11, 1983. I have called the father of Cheryl Dixon, Richard Donlin. He lives in Edina, Minnesota. He told me that no FBI agents or police officers visited his home that evening. Further, Russell Anderson was aware that he lived in Edina and had been at their home in May of 1983. Also, I have been informed that no police officers or FBI visited the home of Tom Donlin, Cheryl's brother, who lives in Hugo, Minnesota. Cheryl Dixon and the Donlins are a white family.

That on the evening of November 11, 1983 the police officers and the agents also visited the home of my grandmother, Minnie Dixon. She is in her 70's and shared her home with a 87-year-old uncle. Amos McCann. McCann has since died. However, at that time he was recuperating in her home from a heart attack.

That finally, I was terrified that evening when the police came to my home. All the police officers were white and my family and I are black. These racial differences in-

creased my fears. I also feel my family had been the victim of racial discrimination because the Donlin's homes were not visited by the FBI or the police that evening.

FURTHER YOUR AFFIANT SAITH NOT.

/s/ SARISSE CREIGHTON
Sarisse Creighton

SUBSCRIBED and SWORN to before
me this 30th day of May, 1984.

/s/ H. E. KELLY
(Notary Public)- Ramsey County

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Civil No. 4-84-162

ROBERT E. CREIGHTON, JR. AND SARISSE CREIGHTON, HUSBAND AND WIFE, INDIVIDUALLY, AND ON BEHALF OF THEIR MINOR CHILDREN, SHAUNDA CREIGHTON AND TIFFANY CREIGHTON, PLAINTIFFS,

v.

THE CITY OF ST. PAUL, A MUNICIPAL CORPORATION; OFFICER JOHN DENOMA; OFFICER DANIELS, OFFICER ASHTON, OFFICER GELAO, OFFICER SNYDER, AND OFFICER STEFFAN, WHOSE TRUE FIRST NAMES ARE UNKNOWN TO PLAINTIFFS; RUSSELL ANDERSON; AND JOHN DOE, RICHARD ROE, AND MICHAEL MOE, WHOSE TRUE NAMES ARE UNKNOWN TO US, DEFENDANTS.

AFFIDAVIT OF IRIS DIXON

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Iris Dixon, being first duly sworn under oath, deposes and states:

That to the best of my recollection these are the events that transpired the evening of November 11, 1983.

That FBI agent Russell Anderson, accompanied by numerous police officers armed with rifles or shotguns (I cannot distinguish the difference), arrived at my residence at approximately 8:00 p.m. Agent Anderson was standing

at my front door with other officers holding rifles/ shotguns. I recognized Russell Anderson immediately from previous contact.

That he mumbled something about a warrant for my son Vadaain's arrest and started into my house without permission. I asked if he had a search warrant and he replied that he did not need one.

That I was terrified at the sight of so many officers and guns, fearful that my son Jamie, who was here with me at the time or myself would get hurt if I resisted their entering my home.

That upon entering one uniformed officers went to my back door and admitted more police officers who also were armed with rifles/shotguns. The officers ran through my home opening closet doors and thoroughly searching each room. It really was a nightmare. I am deathly afraid of firearms, and told everyone present it was not necessary to bring guns into my home. I started crying.

That the officers (all Caucasian) acted as though I was a criminal and deserved no consideration whatsoever, with the exception of one uniformed officer who did speak kindly to me. During all the confusion Russell Anderson told us he was investigating a bank robbery that had occurred earlier that afternoon, and that Vadaain was a suspect. Anderson question us about the whereabouts of Vadaain and his wife, Cheryl; neither of us knew. Anderson also questioned about other family members. Jamie and I both answered because we knew none of the family had anything to hide.

That I personally am afraid of Russell Anderson due to an implied threat he had made on another occasion a few months previously. To the best of my recollection it was in May, 1983. Agents came to my home and questioned me about Vadaain's activities, of which I knew nothing. He also questioned me about Vadaain's associates, especially one named Billingsly. I had never heard the name before.

Anderson showed me a picture, insisting I did know him. I explained I did not know any of his associates, especially the inmates at Stillwater Prison. He told me to have James call him. He implied if the family did not cooperate with him things could be made very uncomfortable. I cannot recollect his exact statement but that was the general gist. The implication left me with a chill that I cannot forget. I mentioned this incident to Mr. William Johnson, the federal probation officer who handled Vadaain's pre-sentence investigation quite a while before the events of November 11, 1983.

That during the evening of November 11, Agent Anderson questioned Jamie about his legal address on his driver's license, which happens to be the home of Grandmother Minnie Dixon. I asked Anderson not to bother her because she is in her seventies and shares her home with her 87-year-old uncle who had just come home from the hospital and was recuperating from a heart attack. Agent Anderson just smiled. All the law enforcement people then proceeded to leave my residence, leaving behind the mess they had created during their search. I immediately called Jamie's grandmother, explained the series of events, advised her to let Anderson in (I knew by his smile he would go there) and to cooperate fully with him. I did not want either Minnie or her uncle to have a heart attack.

That shortly afterwards a phone call came from my daughter, Sarisse Creighton. She was hysterical, telling me the police were in her home, they had guns, had beaten her husband and that they also hit my 10-year-old granddaughter, Shaunda. Jamie and I immediately went to her home. Squad cars were all over the block; upon entering the house it was pandemonium. My son-in-law was handcuffed, with a policeman on each side of him. There was blood on his shirt. They were standing facing the front door at the top of the stairs in the passage leading from the kitchen area. I went over to them and said, "Oh my God,

what is going on here." One of the officers holding Robert told me he was under arrest. I asked why he was being arrested as he was not a criminal and probably would lose his job. The officer replied, "He hit me so I hit him." I then went over to Anderson who was standing in the front room to the right of the front door and asked him why he was doing this to my family when he should be out catching criminals. He replied, "That is what I am doing." He wore that same smile on his face.

That one man in civilian clothes, shorter than the other officers, took me aside and told me my granddaughter had not been hit, her mother was just saying that. That after the police left with Bobby, Shaunda returned home (she had run to the neighbor's house for refuse) still very upset, crying and complaining of her arm hurting, telling me that a policeman had hit her. I suggested to Sarisse that possibly Shaunda should see a doctor. Shaunda did not feel any better so I took her to Children's Hospital in St. Paul approximately an hour later. Her mother was in no condition herself to attend to this matter.

That I only saw Vadaain a couple of times during the time he was in the halfway house; that was on weekends. I work until 5:00 p.m. and do not arrive home until after 5:30 p.m. The last time I saw Vadaain was the previous Sunday. He came to my home as I was leaving to visit Minnie Dixon's uncle in the hospital.

That Mr. William Johnson of the federal probation department, accompanied by two federal marshalls, came to my home (I think it was November 10) to discuss Vadaain's nonreturn to the halfway house, and left satisfied I was telling the truth that I did not know the whereabouts of Vadaain or Cheryl. Almost six months have passed. I do not sleep soundly at night, waking up if

a car door slams, worrying constantly if Agent Anderson and the police are ready to re-enact the events of November 11.

FURTHER YOUR AFFIANT SAITH NOT.

/s/ IRIS DIXON
Iris Dixon

SUBSCRIBED and SWORN to before
me this 30th day of May, 1984.

/s/ CHERYL L. BRANNON
(Notary Public)

AFFIDAVIT OF ROBERT CREIGHTON, SR.

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Robert Creighton, Sr., being first duly sworn under oath, deposes and states:

That I am the father of Robert Creighton, Jr.

That on November 11, 1983 Sarisse Creighton, Robert's wife, called me and said the police were at her house and to come over there as quickly as possible. Before I could get dressed she called back and said that the police were beating up Robert. When I got there I entered the house and a plainclothed policeman, who I now know is Russell Anderson, was inside the house standing in the living room. I saw my son near the stairs; he was handcuffed and bleeding from the mouth. I asked Mr. Anderson if he had a search warrant. He told me that they didn't need one.

FURTHER YOUR AFFIANT SAITH NOT.

/s/ ROBERT CREIGHTON, SR.
Robert Creighton, Sr

SUBSCRIBED and SWORN to before me this 30th day of May, 1984.

/s/ DENISE M. BOELTER
(Notary Public)

In the Supreme Court of the United States

No. 85-1520

RUSSELL ANDERSON, PETITIONER

v.

ROBERT E. CREIGHTON, JR., ET UX., ET AL.

ORDER ALLOWING CERTIORARI. Filed June 30, 1986.

The petition herein for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit is granted.

☆ U.S. GOVERNMENT PRINTING OFFICE: 1986—491-507/20528